

1 IN THE UNITED STATES DISTRICT COURT FOR THE
 2 NORTHERN DISTRICT OF OKLAHOMA
 3
 4

5 W. A. DREW EDMONDSON, in his)
 6 capacity as ATTORNEY GENERAL)
 7 OF THE STATE OF OKLAHOMA and)
 8 OKLAHOMA SECRETARY OF THE)
 9 ENVIRONMENT C. MILES TOLBERT,))
 10 in his capacity as the)
 11 TRUSTEE FOR NATURAL RESOURCES))
 12 FOR THE STATE OF OKLAHOMA,)

13 Plaintiff,)

14 vs.)

4:05-CV-00329-TCK-SAJ

15 TYSON FOODS, INC., et al,)

16 Defendants.)

17 - - - - -

18 VOLUME II OF THE VIDEOTAPED
 19 DEPOSITION OF DENNIS COOKE, PhD, produced as a
 20 witness on behalf of the Defendants in the above
 21 styled and numbered cause, taken on the 5th day of
 22 December, 2008, in the City of Tulsa, County of
 23 Tulsa, State of Oklahoma, before me, Lisa A.
 24 Steinmeyer, a Certified Shorthand Reporter, duly
 25 certified under and by virtue of the laws of the
 State of Oklahoma.

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EXHIBIT

tabbles

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1 A That's correct, and I said it was eutrophic in
2 1997. There's no way that I'm going to manipulate
3 data and make a statement it isn't so, but in every
4 other year we looked at it, it's oligotrophic.

5 Q That who looked at it? 08:43AM

6 A That Dr. Welch and I looked at it.

7 Q You said yesterday, of course, you've never
8 been there. You talking about looking at data?

9 A Yes.

10 Q If you took, Dr. Cooke, the poultry out of the 08:43AM
11 Illinois River watershed but left the people, the
12 cattle and all the wastewater treatment plants and
13 the various other land uses that exist in the
14 watershed, what kind of trophic conditions would you
15 expect in Lake Tenkiller? 08:44AM

16 A At this point if we did that today, and that's
17 what you're asking, if I could just some way or
18 another erase the poultry from the watershed today?

19 Q Yes, uh-huh.

20 A I think we would see eutrophic conditions in 08:44AM
21 Tenkiller for a long time because the soil is so
22 saturated with poultry waste, way above agronomic
23 need maybe by a factor of four or five on average,
24 so the soils are releasing large amounts of
25 phosphorus and would continue to do so for a long 08:44AM

1 time.

2 Q All right. Now, let me ask this question:

3 What if there had never been any poultry at all in

4 the Illinois River watershed, yet the people, the

5 cattle, wastewater treatment plants and other land

08:44AM

6 uses had existed in the watershed as they have, what

7 kind of trophic conditions would you expect in Lake

8 Tenkiller today?

9 A Trophic conditions in Tenkiller, if that had

10 not happened, if poultry had never been there I

08:45AM

11 think is what you are saying?

12 Q Yes.

13 A If it had never been there, then we would

14 expect the oligotrophic to borderline mesotrophic,

15 which is in conformance with other Ozark Highland

08:45AM

16 reservoirs.

17 Q Can you cite an example of a reservoir that

18 has a watershed with comparable human and cattle

19 populations in a similar watershed area that

20 Tenkiller has and yet has better water quality than

08:45AM

21 Lake Tenkiller?

22 A I cannot -- I don't have that information for

23 a large number of Ozark Highland watersheds. I just

24 don't have it, but what I can cite is, if I can

25 finish that, is that with an examination by Dr.

08:45AM